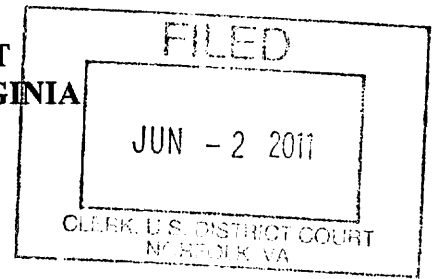


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



KEITH E. GODWIN, # 143135

Petitioner,

v.

ACTION NO. 2:10CV491

**HAROLD W. CLARKE, Director of the
Virginia Department of Corrections,**

Respondent.

FINAL ORDER

This matter was initiated by Petitioner, Keith E. Godwin, filing a "Notice of Appeal" attaching a decision of the Supreme Court of Virginia which refused Godwin's petition for appeal of state law claims. After reviewing the attachments, the Court construed Godwin's filing as a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and directed him to refile the claim on the appropriate form. Godwin filed his amended petition for writ of habeas corpus on November 5, 2010, alleging he is being detained illegally because the Commonwealth failed to produce to him records of his indictment, trial and sentence arising out of a 1985 conviction in the Circuit Court for the City of Suffolk.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed April 25, 2011, recommends dismissal of the petition without prejudice. Each party was advised of his right to file written objections to the findings and recommendations made by the

Magistrate Judge. On May 10, 2011, the Court received petitioner's Objections to the Report and Recommendation.

The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed April 25, 2011. It is, therefore, ORDERED that the petition be DENIED and DISMISSED without prejudice.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

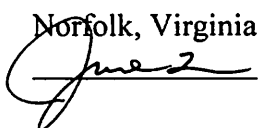
Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.



RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia



, 2011